

## REMARKS/ARGUMENTS

Claims 10-16 and 22- 32 remain in the application. Claims 10, 13 and 30 are amended.

Claims 1-9 and 17-21 have been withdrawn. The Applicant would like to thank the Examiner for his diligent examination. Applicant would also like to thank the Examiner and his supervisor for their time in participating in the telephone interview on December 09, 2003.

Referring to the telephone interview on December 9<sup>th</sup>, 2003 at 1pm, an agreement was reached between the Applicant and the Examiner that adding the limitation of entirely exposing an unetched first layer of silicon within the window region would allow for reconsideration of the independent claims with respect to the prior art of Yamazaki.

Specifically, Claim 10 has been amended to recite: “the first layer of silicon entirely exposed within the window region.” Claim 13 has been amended to recite “with the exception of a small window region, within which the first layer of silicon is entirely exposed... and entirely contacting the first layer of silicon within this small window region, where the first layer of silicon within the small window region has a surface unaffected by a process of etching.” Claim 30 has been amended to recite the limitation “the first layer of silicon entirely exposed within the window region.” A clerical error was also found in claim 30, where the phrase “layer layer” was inadvertently included twice. This clerical error has been corrected.

With these claim amendments, the independent claims 10, 13 and 30 are now novel and inventive over the prior art '745 Patent issued to Yamazaki. Specifically, Yamazaki teaches of using a timed etch in order to remove a portion of the p-type poly Si. As depicted in FIG. F of the figure submitted in support of the affidavit under 37 CFR 1.132, two possible outcomes are possible. In one outcome (Option #1), the timed etch removes a portion of the p-type Si base layer that is underlying the p-type poly Si in a window region, or in the second outcome (Option #2), the timed etch does not completely remove

all of the p-type poly Si in the window region. In either case, the '745 patent fails to provide both a semiconductor device that has an entirely exposed first layer of silicon within the window region and an unetched first layer of silicon within the window region. Thus, the independent claims, 10, 13 and 30, as amended, are allowable in view of the prior art of Yamazaki ('745).

Dependent claims 11, 12, 14 through 16, and 22 through 29 are dependent upon allowable independent claims 10 and 13, and are thus allowable. Dependent claims 31 and 32 are dependent from an allowable claim 30 and are therefore allowable.

No new matter has been added in the amended claims.

An Information Disclosure Statement listing references cited in the Search Report mailed November 28, 2003 from the European Patent Office in the corresponding European application is being filed concurrently under separate cover.

Applicant looks forward to favourable reconsideration of the present application.

**Please charge any additional fees required or credit any overpayment to Deposit Account No: 50-1142.**

Respectfully,



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